



## DEPARTMENT OF PUBLIC SAFETY POLICIES & PROCEDURES



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SUBJECT: DPS CRIMINAL ENFORCEMENT UNIT	REVISION NO:
	3

### 1.0 PURPOSE

The purpose of this policy is to establish guidelines and procedures for the application and utilization of the Criminal Enforcement Unit of the New Mexico Department of Public Safety, formerly known as the Canine Narcotic Detection Unit.

### 2.0 POLICY

It is the policy of the Department of Public Safety to maintain the Criminal Enforcement Unit with specially trained and equipped canine teams.

### 3.0 APPLICABILITY

This policy applies to all commissioned officers of the Department of Public Safety.

### 4.0 REFERENCES

- A. CALEA Chapter 33 – Training and Career Development**
- B. CALEA Chapter 41 – Patrol**
- C. CALEA Chapter 84 – Property and Evidence Control**

### 5.0 DEFINITIONS

- A. Apprehension** – Any patrol canine deployment resulting in the canine physically controlling the subject by biting.
- B. Bite** – Any break in the skin caused by the teeth of a K-9.
- C. Canine or K-9** – A specially trained domestic dog, assigned to the Criminal Enforcement Unit (CEU).
- D. Certification Testing** – A comprehensive practical and written examination given by a certified trainer, evaluating the proficiency of the handler and the K-9.
- E. CEU** – In this policy, the abbreviated title of the Criminal Enforcement Unit of the New Mexico Department of Public Safety (DPS).
- F. Exigent Circumstances** - A compelling need (such as imminent destruction of evidence) for official action and no time to secure a warrant.
- G. Handler** – The officer/agent assigned to care for and maintain an assigned K-9.

- H. K-9 Team** – Consists of an officer/agent and assigned K-9.
- I. Probable Cause to Search** – Facts or circumstances that lead a reasonable officer to believe the items to be searched are connected with criminal activity and that these items will be found in the place to be searched.
- J. Proficiency Training** – Training required to maintain the skill of the K-9.
- K. Reasonable Suspicion** – Individualized suspicion that the individual in question may have committed a crime. Reasonable suspicion is more than a mere hunch.
- L. Search** – To explore thoroughly.
- M. Sniff** – Utilization of a K-9 to smell out or inspect a given area.
- N. Training Aid** – An article/item used by the handler for proficiency training of the K-9, e.g., controlled substance.

## **6.0 PROCEDURE**

The DPS Criminal Enforcement Unit (CEU) will be utilized to interdict criminal activity within the state of New Mexico. The CEU will be available to law enforcement divisions of DPS as well as other police and governmental agencies within the state.

**A. Mission** – The CEU will consist of officers/agents from the State Police Division and the Motor Transportation Division. The CEU is designed to be mobile and highly flexible, and will perform assignments that require the services of trained and specialized K-9 teams with the skills and tactics associated with day-to-day interdiction efforts. The CEU will function primarily as a unit of the DPS, but other agencies will not be excluded from its special assistance.

**B. Activation and Deployment** – The CEU may be activated when an officer/agent requests assistance in narcotic/illegal substance detection, in locating and apprehending subjects suspected of illegal activity, in searching for subjects who have fled from an officer or agent and are hiding in buildings or related structures, in crowd control, in tracking missing persons, criminals or concealed evidence of a crime, or for explosive detection.

Clarification added.

- 1. K-9 teams are available for activation on a 24-hour, on-call basis and are subject to overtime provisions per DPS Policy. Their use includes but may not be limited to:
  - a. Conducting building searches for what are believed to be serious felony or armed misdemeanor suspects in hiding;
  - b. Assisting in the arrest or prevention of the escape of serious or violent offenders;
  - c. Protecting officers or others from death or serious injury; and engaging in assignments not listed here with the approval of the K-9 team supervisor.
- 2. A K-9 team may be used to respond to minor complaint situations. In such a case, the K-9 should not be deployed unless criteria for a deployment is met.
- 3. Canine warnings must be issued prior to deploying a patrol canine on any search,

concealed human or apprehension. Warnings may not be issued if logically or tactically unfeasible. The warnings to be used are as follows:

- a. On a visible subject: "Police, stop or I will send the dog."
- b. On a search for a subject: "Police, speak to me now or I will send the dog."
- c. Warnings must be issued a minimum of three times.
4. K-9 team assistance may be requested from any officer through an immediate supervisor to the communications center. Communications center personnel shall forward request information concerning the incident to the CEU supervisor or an available canine handler.

5. *Activation and Deployment for Narcotic/Illegal Substance Detection*

Clarification added.

- a. *Conveyances* – The K-9 may be deployed upon conveyances under the following conditions, including but not limited to:
  1. When the officer/agent has reasonable suspicion that illegal substances are contained within a vehicle.
  2. During a valid vehicle stop, the K-9 may be used to sniff the exterior of the vehicle if suspicion exists that the vehicle contains illegal substances.
  3. Interior sniffs may be conducted if the officer possesses an approved search warrant, verbal or written consent to search from the driver, or probable cause along with exigent circumstances.
  4. All deployments will be at the discretion of the handler.
- b. *Roadblocks*
  1. A K-9 will **not** be utilized at temporary roadblocks for the purpose of sniffing random vehicles.
  2. A K-9 may be utilized, when reasonable suspicion or probable cause exists, to sniff the exterior of a particular vehicle.
  3. A K-9 may be utilized for random exterior sniffs at permanent checkpoints, e.g., commercial vehicle ports of entry, U.S. Border Patrol checkpoints, etc.
- c. *Privately-Owned Businesses/Locations with Public Access* – A K-9 may be utilized to randomly sniff areas that are open to public access, with consent from the business management, including, but not limited to, hotel/motel parking lots, bus terminals, train terminals, airport terminals, etc.
- d. *Parcel Service* – A K-9 may be utilized to randomly sniff parcel post, with the consent from the service's management, including Federal Express, United Parcel Service, Airborne Express, Mailboxes, etc., and others.
- e. *Private Residences* – A K-9 will not be deployed at a private residence without an approved search warrant, consent from someone who is in power to grant consent or probable cause with exigent circumstances.

- f. *Search Warrants* – A K-9 will not be utilized pursuant to a search warrant unless the warrant specifies controlled substances to be seized.
- g. *Persons* – Under **no** circumstances will a K-9 be utilized to sniff persons for controlled substances; however, trained/certified K-9s may be deployed to detect concealed humans.

### 6. *Activation and Deployment for Locating and Apprehending Suspects*

- a. The deployment of a canine for locating and apprehending a suspect is considered a less lethal use of force. Officers may use only that level of force that is objectively reasonable to bring an incident under control. Use of less-lethal force shall be consistent with the Reactive Control Model (RCM). Refer to DPS Policy OPR: 01 Use of Force for further direction.
- b. Decisions to deploy a canine shall be based upon the following:
  1. The severity of the crime to include searches and apprehensions of Felony subjects and armed misdemeanor subjects;
  2. Whether the suspect and circumstances pose an immediate threat and a reasonable apparent danger to the safety of the officers or others and the deployment of a canine is necessary for the protection of the handler, the canine, officers or citizens;
  3. Whether there is reason to believe that a suspect is believed to have committed a crime and is actively resisting arrest or attempting to evade arrest.
  4. If no other crime has been committed, K-9 teams should not be used to apprehend anyone suspected to be under the influence of drugs or alcohol.
  5. K-9 teams shall not be used to apprehend a mentally disturbed subject if no crime has been committed.
  6. K-9 handlers shall take extra care and alternative options should be considered when deciding to deploy a canine during an incident involving juvenile suspects.
  7. Where a tactical deployment is justified by agency policy, the tactical measures used shall be at the discretion of the canine handler and must be objectively reasonable.
  8. A K-9 shall not be handled or given commands by anyone other than the assigned handler unless extenuating circumstances exist.

**Clarification added.**

### 7. *Activation and Deployment for the Search of Suspects Hiding in Buildings or Related Structures.*

A primary use of a CEU is for locating suspects in buildings or related structures. These searches shall be governed by the following.

- a. The building perimeter shall be secured by law enforcement personnel.

- b. Whenever possible, the building's owner should be contacted to determine whether there may be tenants or others in the building and to ascertain the building's layout.
- c. When the search of a building is anticipated, a preliminary search by officers should not be conducted because this will interfere with the K-9's ability to discriminate scents.
- d. The on-scene supervisor shall also take the following steps in preparation for the K-9 search.
  - 1. Evacuate all tenants, workers, or others from the facility.
  - 2. Request that all air conditioning, heating, or other air-blowing systems be shut off so as not to interfere with the canine's scent.
- e. Upon entrance to the building, all exits should be secured and communications limited to that of a tactical nature.
- f. The K-9 may be unleashed during a building search unless there is an imminent risk of injury to innocent persons within the facility.
  - 1. The K-9 should be released once a backup officer is available to work with the K-9 team.
  - 2. Except in exigent circumstances or where there is an imminent danger of death or serious injury, the K-9 should be kept in visual contact by the K-9 handler.
- g. The K-9 should not be used to search facilities that contain substances potentially harmful to the animal unless overriding risk to human life is present.
- h. Before commencing a search, the handler or other appropriate person shall make an amplified announcement that is recorded. The announcement shall be that there are police officers on the premises and that a trained police K-9 will be released and may bite if they do not surrender and comply. The announcement shall be repeated.
  - 1. A reasonable amount of time shall be allowed for the suspect to respond. This warning shall be repeated on each level of all multilevel structures.
  - 2. Where there is a reasonable belief that the suspect speaks a language other than English, an officer or other individual fluent in that language should be summoned to the scene if available and if the exigency of the situation permits.
  - i. When apprehending suspects, the K-9 shall be commanded to disengage as soon as the suspect is subdued or complies with the officer's direction.
  - j. Arrestees shall not be transported in the same vehicle with a K-9 unless alternative transportation is not available and immediate transport is essential for safety or security reasons.

Clarification added.

8. *Activation and Deployment for Crowd Control*

- a. K-9 teams may respond as backup but shall not deploy a K-9 for crowd control at peaceful demonstrations.
- b. K-9 teams may be used upon approval of the CEU Commander or designee to protect life or property during a riot or other major unlawful assembly after an order to disperse has been made. In these situations, the following shall be adhered to;
  1. K-9's shall be short-leashed at all times to protect individuals from serious injury, and
  2. K-9 Teams shall not initiate any offensive action, unless to guard against imminent loss of life, serious bodily injury, or substantial property damage.

9. *Activation and Deployment for Tracking Missing Persons, Criminal Suspects, or Concealed Evidence of a Crime*

Where trained K-9's are available for tracking, they may be used with supervisory approval to track missing persons or criminal suspects or to locate evidence that the supervisor has reason to believe has been abandoned or hidden in a specified open area. Such searches are subject to the following conditions and limitations:

Clarification added.

- a. When pursuing suspects and contact with the suspect is lost, the officer, prior to summoning a K-9 team, shall;
  1. Stop and pinpoint the location where the suspect was last seen
  2. Shut off engines of vehicles in the area if possible; and
  3. Avoid vehicle or foot movements in the area where the suspect was last seen.
- b. K-9's used for tracking persons should remain on a leash of sufficient length to provide a reasonable measure of safety to the subject of the search without compromising the K-9's tracking abilities.
- c. On-scene supervisory personnel shall;
  1. Secure the perimeter of the area to be searched;
  2. Secure the integrity of the area to be searched by keeping all personnel out of the area; and
  3. Protect all items of clothing that will be used for scent from being handled.

10. *Activation and Deployment For Explosive Detection.*

Explosive detection K-9 teams will be activated by the EOD Commander and shall be under the direction and control of the lead EOD Technician when deployed. An explosive detection K-9 team shall not conduct a search or a sweep without an EOD technician present unless authorized to do so by an EOD technician or EOD Commander.

### **C. CEU Requests for Service**

1. CEU inter-district call-outs will be approved by the Special Operations Bureau commander
2. CEU out-of-district call-outs will be requested through the chain of command to the Special Operations Bureau commander. If the request is approved, orders will be sent through the chain of command with all pertinent information, e.g., dates of assignment, handler assigned, etc.
3. Other agency requests for assistance will be forwarded to the Special Operations Bureau commander.

### **D. K-9 Handler Responsibilities**

**Clarification added.**

1. The overall health and welfare of the Department issued K-9 is the assigned handler's responsibility. DPS CEU canines shall not be used for breeding, participation in shows, field trials, exhibitions or other demonstrations. On-or-off-duty employment not associated with DPS assignments is not allowed unless authorized by the CEU Commander.
2. Medical Care.
  - a. Non-Emergency – Veterinarian visits will be coordinated by the handler with approval from a CEU supervisor. Preventative treatments will be kept current and documented.
  - b. Emergency – Emergency medical treatment will be rendered by the designated veterinarian, if practical. The handler will submit a report to the appropriate CEU supervisor as soon as practical following the emergency.
3. K-9 Care and Maintenance of K-9 Equipment.
  - a. The K-9 will be groomed and brushed at least three (3) times per week.
  - b. The general health of the K-9 will be checked daily.
  - c. Any indication that the K-9 is unfit for duty will be reported to the K-9 supervisor immediately.
  - d. Equipment will be inspected prior to each tour of duty. Defective equipment will be brought to the attention of the appropriate CEU supervisor.
  - e. Department K-9 vehicles will be maintained in good operating condition. The interior will be cleaned and disinfected at least every two (2) weeks.
  - f. DPS shall provide K-9 handlers with proper housing for their K-9 and will conduct periodic inspections to ensure that the housing is properly maintained.
4. Unattended K-9 Unit.
  - a. When a K-9 unit is unattended, and if the rear windows are covered with screens, they may be opened all the way for maximum ventilation while the K-9 is inside the vehicle.

**Clarification added.**

- b. K-9s will be equipped with "hot-dog" sensors or a similar system. These sensors will be utilized as appropriate.
- c. Handlers will leave their k-9s unattended in a manner consistent with their training.

5. Abuse or Neglect of K-9.
  - a. Handlers will not abuse their assigned K-9s or neglect them from proper care.
  - b. Handlers found to be abusing or neglecting their assigned K-9s will be subject to immediate disciplinary action.
6. Handlers will maintain all health, training and deployment records pertaining to their assigned K-9s.
7. Notification of Arrests, Seizures or any Injuries.

Handlers will be responsible for notifying the Special Operations Bureau commander, through the chain of command, of arrests, seizures, injuries to assigned K-9s, or injuries or damage caused by assigned K-9s.

8. Off-Duty Maintenance.

The handler is authorized one (1) hour of compensable maintenance time per day during regular days off or holidays to care for the K-9.

## **E. Training**

1. Each CEU handler and K-9 must complete the department recognized certification training prior to being released for service.
2. Each handler is authorized one (1) hour of on-duty training per day, plus a continuous four (4) hour block of instruction weekly or an eight (8) hour block of continuous instruction biweekly.
3. All CEU personnel will participate, as budget allows, in group performance training. Training will be of an advanced nature, to include a variety of controlled substance and explosive aides for explosive detector K9. All assigned controlled substances will be inspected and accounted for during this training by the first-line CEU supervisor.
4. All training will be as realistic as possible.
5. Training will be conducted with actual controlled substances. No counterfeit substances will be authorized.
6. Training and deployment of K-9's shall employ the guard and bark, rather than the guard and hold method.  
Clarification added.
7. Re-certification of K-9 teams will be conducted annually.
8. All training will be documented.
9. Training Aids – All Criminal Enforcement Unit handlers will be issued training aids to

be utilized for maintenance training with their assigned K-9. Refer to Department policy *OPR:17 Evidence/Property Handling* for procedures relating to controlled substance training aids.

#### **F. K-9 Bites**

In the event of an accidental K-9 bite, on or off-duty, the handler will notify the appropriate CEU supervisor as soon as practical. The following guidelines will be adhered to:

1. The handler will make arrangements to have the victim transported to the nearest medical facility, if necessary.
2. The handler will provide the victim with the following information:
  - a. The name and identification number of the officer/handler.
  - b. The name of the K-9.
3. The handler will obtain the following information from the victim:
  - a. Name
  - b. Birth Date
  - c. Current address
  - d. Current telephone number
  - e. Attending physician or treating party
4. An audio/video taped statement will be taken from the victim and/or witnesses, if possible.
5. The handler will obtain the name, birth date, current address, and telephone number from every witness to the incident.
6. The handler will arrange for color photographs to be taken of the affected bite area after the wounds have been cleaned, and prior to the application of Betadine solution.
7. A detailed Intra-Departmental Correspondence (IDC) must be submitted to the Office of the Chief, through the appropriate chain of command, which will include the above information and a description of the actions leading up to the bite incident.
8. If the victim refuses medical treatment or transportation for medical treatment, the information, along with the reason for refusal, must be included in the IDC.
9. In the event a K-9 accidentally bites the handler, the handler should receive medical attention immediately, if necessary. The incident should then be documented as per department policy *PRS:11 Duty Injury*.
10. Animal Control will be contacted in cases of K-9 bites involving any persons other than the handler.

**G. Kennels**

1. Department-issued K-9s will be kept at the homes of their handlers, in kennels or quarters approved and/or provided by the Department. The kennels will be kept clean and sanitary at all times.
2. K-9s will be securely kennelled or under the control of their handlers while off-duty. The K-9 will not be lodged at another location, other than the handler's residence, unless approved by the appropriate CEU supervisor.
3. When the handler anticipates taking vacation or an extended number of days off, the handler will notify the appropriate CEU supervisor. If necessary, the handler will make arrangements for the care and kenneling of the K-9 while on vacation or on extended time off.
4. The K-9 will not be allowed to roam at will.
5. Handlers will ensure a secure and restful home environment for their K-9s. The K-9 must be safe and not at risk from attacks by persons, wild animals, or neighborhood pets.

**H. Uniforms**

Refer to department policy *ADM:24:00 State Police Uniforms*, for the uniform designated for the Criminal Enforcement Unit. MTD personnel assigned to the Criminal Enforcement Unit should refer to their MTD department policy for uniform requirements specific to their division.

**I. Application for Membership**

1. Officers interested in being assigned to the CEU must submit a request through the appropriate chain of command to the Office of the Chief.
2. Applicants will be interviewed by the commander of the CEU, the Special Operations Bureau commander, and anyone else they deem appropriate.
3. A list of those officers chosen to be assigned to the CEU will be provided to the Office of the Chief by the Special Operations Bureau commander.
4. The State Police Chief, or designee, will have the final authority over assigning and removing officers to/from the CEU.
5. New CEU members will be placed on probationary status for a period of not less than one (1) year. Any member who fails to demonstrate acceptable performance during the probationary period may be removed from the CEU by the Chief at the request of the CEU supervisor with concurrence from the Special Operations Bureau commander.
6. MTD personnel will follow the appropriate appointment process in accordance with State Personnel Board Rules and the agreement between the State of New Mexico and the New Mexico Motor Transportation Division Employee Association. Those processes are in addition to the requirements set forth in this policy.

#### **J. Retirement of Department Canines**

Should it become necessary to retire a canine from service with the CEU, the department may transfer ownership of the animal to its last handler, or another interested party approved by the Special Operations Bureau commander, provided they wish to accept the K-9, and sign suitable releases, i.e. releasing the DPS and its employees from future liability.

#### **K. Issued Equipment**

1. All CEU members will be issued the following equipment:

- Issued Canine
- Reflective Collar, Fur Saver (Collar), Power collar (K-9 specific)
- Two (2) Leashes 4' lead and 20' lead
- Muzzle
- Water Bucket, Two (2) Food bowls
- Dog First Aid Kit
- Dog Brush
- Dog Shampoo
- Large Dog Kennel, Portable Travel Kennel, Kennel for Unit
- Dog Toys, Chew Toys
- "Pooper Scooper"
- Disinfectant
- K-9 Training Log Book
- K-9 Deployment Log
- Bite Suit (one)
- Concealed Sleeve (two)
- Exposed sleeve (one)
- Jute cuff (one)
- Scratch Pants (one)
- Agitation Stick (four)
- Neoprene Gauntlet (one)
- German Muzzle (one)
- Power Collar (one)
- Pinch Collar (one)
- Tracking Harness (one)
- 2" Agitation Collar (one)
- 10 meter 1" nylon long line (one)

**Added.**

#### **7.0 ATTACHMENTS**

**NONE**

#### **8.0 APPROVAL**

APPROVED BY: s/Gorden E. Eden Jr.  
DPS Cabinet Secretary

DATE: June 16, 2011